MONTANA LEGISLATIVE HISTORY

Chapter 218 ~~19~~ 2001

Bill H _____ SB 334 Original bill & history ✓ C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	3/08	C	Hearing Date(s)	2/08	C
		C		2/12	C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

1/26	Referred to Public Health, Welfare and Safety		
1/26	Fiscal Note Requested		
1/30	Rereferred to Finance		
2/05	Hearing		
2/06	Fiscal Note Received		
2/06	Fiscal Note Signed		
2/07	Fiscal Note Printed		
2/10	Revised Fiscal Note Requested		
2/12	Revised Fiscal Note Received		
2/12	Revised Fiscal Note Signed		
2/13	Revised Fiscal Note Printed		
2/20	Tabled in Committee		
3/24	Missed Deadline for Appropriation Bill Transmittal		

SB 333 Introduced by Beck, et al. *LC0838 Drafter: Kurtz*

Remove Prison Ranch PILT Sunset

12/01	Fiscal Note Needed		
1/29	Fiscal Note Requested		
1/29	Introduced		
1/29	First Reading		
1/29	Referred to Local Government		
2/02	Fiscal Note Received		
2/06	Fiscal Note Signed		
2/06	Fiscal Note Printed		
2/15	Hearing		
2/19	Committee Executive Action--Bill Passed	10	1
2/19	Committee Report--Bill Passed		
2/20	2nd Reading Passed on Voice Vote	50	0
2/21	3rd Reading Passed	50	0
	Transmitted to House		
3/03	Referred to Local Government		
3/27	Hearing		
3/28	Committee Executive Action--Bill Concurred	18	0
3/28	Committee Report--Bill Concurred		
4/05	2nd Reading Concurred	94	6
4/06	3rd Reading Concurred	97	2
	Returned to Senate		
4/07	Sent to Enrolling		
4/09	Returned from Enrolling		
4/10	Signed by President		
4/11	Signed by Speaker		
4/13	Transmitted to Governor		
4/23	Signed by Governor		
4/23	Chapter Number Assigned		
	Chapter Number 372		
	Effective Date: 4/23/2001 - All Sections		

SB 334 Introduced by Grosfield *LC0054 Drafter: Kurtz*

Justice Department to Contract for Driver Rehabilitation & Improvement Program

5/15	Fiscal Note Needed		
1/29	Introduced		
1/29	Fiscal Note Requested		
1/29	First Reading		
1/29	Referred to Judiciary		
2/05	Fiscal Note Received		
2/06	Fiscal Note Printed		

2/08	Hearing		
2/12	Committee Executive Action--Bill Passed as Amended	8	0
2/12	Committee Report--Bill Passed as Amended		
2/15	2nd Reading Passed on Voice Vote	49	0
2/16	3rd Reading Passed	46	1
	Transmitted to House		
3/01	Referred to Judiciary		
3/08	Hearing		
3/08	Committee Executive Action--Bill Concurred	15	3
3/08	Committee Report--Bill Concurred		
3/20	2nd Reading Concurred	55	43
3/21	3rd Reading Concurred	63	37
	Returned to Senate		
3/22	Sent to Enrolling		
3/22	Returned from Enrolling		
3/24	Signed by President		
3/26	Signed by Speaker		
3/27	Transmitted to Governor		
4/06	Signed by Governor		
4/06	Chapter Number Assigned		
	Chapter Number 218		
	Effective Date: 4/06/2001 - All Sections		

SB 335 Introduced by F. Thomas *LC0655 Drafter: Everts*

Generally Revise Telecommunications Laws

1/29	Introduced		
1/29	Fiscal Note Requested		
1/29	First Reading		
1/29	Referred to Energy and Telecommunications		
2/02	Fiscal Note Received		
2/02	Fiscal Note Printed		
2/23	Missed Deadline for General Bill Transmittal		

SB 336 Introduced by Berry *LC1382 Drafter: Petesch*

Tobacco Trust Interest for Health Care Center

12/30	Fiscal Note Needed		
1/29	Introduced		
1/29	Fiscal Note Requested		
1/29	First Reading		
1/29	Referred to Finance		
2/06	Fiscal Note Received		
2/06	Fiscal Note Signed		
2/06	Hearing		
2/07	Fiscal Note Printed		
2/16	Tabled in Committee		
3/24	Missed Deadline for Appropriation Bill Transmittal		

SB 337 Introduced by Berry *LC0784 Drafter: B. Campbell*

Revise Small Claims Court Jurisdiction for Landlord Tenant Actions

1/29	Introduced		
1/29	First Reading		
1/29	Referred to Judiciary		
2/02	Hearing		
2/06	Committee Executive Action--Bill Passed as Amended	9	0

INTRODUCED BY Garfield Senate BILL NO. 334
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF JUSTICE TO ESTABLISH BY ADMINISTRATIVE RULE A DRIVER REHABILITATION AND IMPROVEMENT PROGRAM; REQUIRING THAT THE RULES PROVIDE FOR THE DEPARTMENT TO CONTRACT WITH QUALIFIED PRIVATE ENTITIES FOR OPERATION OF THE PROGRAM COURSES; ALLOWING THE DEPARTMENT TO COLLECT FEES FROM PARTICIPANTS IN THE PROGRAM COURSES TO OFFSET EXPENSES INCURRED BY THE DEPARTMENT IN ADMINISTERING THE PROGRAM AND CONTRACTING WITH PRIVATE ENTITIES; ALLOWING THE DEPARTMENT TO SUSPEND THE DRIVER'S LICENSE OF A PERSON WHO FAILS TO COMPLY WITH CERTAIN DRIVER REHABILITATION AND IMPROVEMENT COURSE REQUIREMENTS; DEFINING "DRIVER IN NEED OF REHABILITATION AND IMPROVEMENT"; REQUIRING THE DEPARTMENT TO NOTIFY A PERSON WHO HAS BEEN DECLARED A DRIVER IN NEED OF REHABILITATION AND IMPROVEMENT; AMENDING SECTIONS 61-2-302, 61-5-206, 61-11-203, 61-11-204, AND 61-13-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-2-302, MCA, is amended to read:

"61-2-302. Establishment of driver rehabilitation and improvement program -- department to contract with private entities -- participation by offending drivers. (1) (a) The department ~~may~~ shall establish by administrative rules a driver rehabilitation and improvement program or programs that may consist of classroom instruction in rules of the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training, and other subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques.

(b) The rules must:

(i) provide for the local program courses to be operated by private entities;

(ii) develop a procedure for certifying private entities as driver rehabilitation and improvement course providers;

(iii) establish the criteria that private entities must meet in order to be certified by the department;

and

(iv) provide for an alternative driver rehabilitation and improvement procedure for drivers who live in areas where a course is not offered.

(2) Official participation in the driver rehabilitation and improvement program is limited to those persons whose license to operate a motor vehicle in the state of Montana is:

(a) subject to suspension or revocation as a result of a violation of the traffic laws of this state or, unless otherwise provided by the sentencing court, a violation of 45-5-624; ~~or~~

(b) revoked and they have:

(i) completed at least 3 months of a 1-year revocation or, if revocation is for a second or subsequent violation of 61-8-401 or 61-8-406, have provided the department with proof of compliance with the ignition interlock device restriction imposed under 61-5-208; or

(ii) completed 1 year of a 3-year revocation; and

(iii) met the requirements for reobtaining a Montana driver's license~~.~~; or

(c) subject to suspension as provided in 61-11-204(3).

(3) Notwithstanding any provision of this part inconsistent with any other law of the state of Montana, the enforcement of any suspension or revocation order that constitutes the basis for any person's participation in the driver rehabilitation and improvement program provided for in this section may be stayed if that person complies with the requirements established for the driver rehabilitation and improvement program and meets the eligibility requirements of subsection (2).

(4) In the event that a person's driver's license has been surrendered before the person's selection for participation in the driver rehabilitation and improvement program, the license may be returned upon receipt of the person's agreement to participate in the program.

(5) The stay of enforcement of any suspension or revocation order must be terminated and the order of suspension or revocation enforced if a person declines to participate in the driver rehabilitation and improvement program or fails to meet the attendance or other requirements established for participation in the program.

(6) This part does not create a right to be included in any program established under this part.

(7) The department and the entity with which the department contracts under subsection (1)(b) ~~may~~ shall establish ~~a schedule of fees~~ separate fee schedules that may be charged to those persons participating in the driver improvement and rehabilitation program. The fees must be collected separately

by the department and by the entity with which the department contracts under subsection (1)(b).

(8) The fees collected by the department under subsection (7) must be used to help defray costs ~~of maintaining the program~~ incurred by the department in administering the program and in contracting with private entities as provided in subsection (1). The department may not use the fees collected under subsection (7) for any other purpose.

~~(8)~~(9) A person may be referred to this program by a driver improvement analyst, city judge, justice of the peace, youth court judge, judge of a district court of the state, or hearing examiner of the department.

~~(9)~~(10) The department may issue a restricted probationary license to any person who enrolls and participates in the driver rehabilitation and improvement program. Upon issuance of a probationary license under this section, the licensee is subject to the restrictions set forth on the license.

~~(10)~~(11) It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to the person under this section."

Section 2. Section 61-5-206, MCA, is amended to read:

"61-5-206. Authority of department to suspend license or driving privilege or issue probationary license. (1) The department may suspend the driver's license or driving privilege of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

(b) has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(c) is ~~an~~ a habitually reckless or negligent driver of a motor vehicle;

(d) is incompetent to drive a motor vehicle;

(e) has committed or permitted an unlawful or fraudulent use of the license as specified in 61-5-302;

(f) has committed an offense in another state ~~which~~ that if committed in this state would be grounds for suspension or revocation;

(g) has falsified the licensee's date of birth on the application for a driver's license;

(h) is under 21 years of age and has altered the licensee's or another's driver's license or identification card to obtain alcohol; ~~or~~

(i) has authorized another to use the licensee's driver's license or identification card to obtain alcohol; or

(j) has been declared a driver in need of rehabilitation and improvement, as defined in 61-11-203, and has failed to enroll in or successfully complete, within 90 days of notice, a driver rehabilitation and improvement course or other appropriate course determined by the department as provided in 61-11-204.

(2) However, the department may, ~~in its discretion and~~ in lieu of suspending the license or driving privilege, issue a probationary license to a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record ~~is such as~~ would authorize suspension as provided in subsection (1). Upon issuance of a probationary license, the licensee is subject to the restrictions set forth in the probationary license. The licensee's driving privilege may be suspended upon conviction or forfeiture of bail not vacated of any traffic violation during the period of probation. The licensee shall surrender to the department all driver's licenses that have been issued to the licensee before the probationary license may be issued. The licensee's refusal or neglect to surrender the licenses upon demand is grounds for suspending all licenses. Probationary licenses may be issued for a period not to exceed 12 months.

(3) Upon suspending the license of any person or upon placing the person on probation, as authorized in this section, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing as early as practical, within ~~not to exceed~~ 20 days after receipt of the request, in the county in which the licensee resides unless the department and the licensee agree that the hearing may be held in some other county. At the hearing, the department through its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. At the hearing, the department shall either rescind its order of suspension or probation, or, for good cause, may affirm, reduce, or extend the period of probation or suspension of the license."

Section 3. Section 61-11-203, MCA, is amended to read:

"**61-11-203. Definitions.** As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty or

nolo contendere, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle that is prohibited by law, ordinance, or administrative order.

(2) "Driver in need of rehabilitation and improvement" means a person who within a 2-year period accumulates 18 or more conviction points according to the schedule specified in subsection (3).

~~(2)~~(3) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of $250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points (this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(l) speeding, except as provided in 61-8-725(2), 3 points;

(m) all other moving violations, 2 points.

~~(3)~~(4) There may not be multiple application of cumulative points when two or more charges are

filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

~~(4)~~(5) "License" means any type of license or permit to operate a motor vehicle.

~~(5)~~(6) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a person while operating a motor vehicle or in actual physical control of a motor vehicle upon a highway, as the term is defined in 61-1-201.

~~(6)~~(7) A traffic regulation includes any provision governing motor vehicle operation, equipment, safety, size, weight, and load restrictions or driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking."

Section 4. Section 61-11-204, MCA, is amended to read:

"**61-11-204. Department's duties.** (1) If the records maintained by the department show that a person's driving record brings the person within the definition of a habitual traffic offender, the department shall:

(a) declare the person a habitual traffic offender;

(b) revoke the person's driver's license or driving privileges as provided in 61-11-211; and

(c) notify the person in writing of the declaration and revocation.

(2) The notice must be sent by first-class mail to the most current address on record with the department. The notice must include a certified reproduction of the person's driving record as contained in the computer storage device used by the department for recordkeeping. The notice must inform the person of the right under 61-11-210 to appeal the declaration and revocation. Service of the notice is complete upon mailing.

(3) If the records maintained by the department show that a person's driving record brings the person within the definition of a driver in need of rehabilitation and improvement, the department shall:

(a) declare the person a driver in need of rehabilitation and improvement;

(b) notify the person that unless the person enrolls in and successfully completes, within 90 days of notification, a certified driver rehabilitation and improvement course, as provided in 61-2-302, the person's driver's license will be suspended for a period not to exceed 6 months;

(c) provide the person with a list of certified driver rehabilitation and improvement courses and

information about how the person may comply with the provisions of this subsection (3) if a driver rehabilitation and improvement program does not exist near the person's residence; and

(d) send the notice as provided in subsection (2).

(4) If the person fails to enroll in a certified driver rehabilitation and improvement program or fails to successfully complete the program or an appropriate substitute within 90 days, the department may suspend the person's driver's license as provided in 61-5-206."

Section 5. Section 61-13-104, MCA, is amended to read:

"61-13-104. Penalty -- no record permitted. (1) A driver who violates 61-13-103 ~~must~~ shall be fined $20, but the violation is not a misdemeanor pursuant to 45-2-101, 46-18-236, 61-8-104, or 61-8-711. A violation of 61-13-103 may not be counted as a moving violation for purposes of suspending a driver's license under 61-11-203~~(2)(m)~~(3)(m). Bond for this offense is $20, and ~~no~~ a jail sentence may not be imposed.

(2) ~~No~~ A violation of 61-13-103 may not be recorded or charged against the driver's record of a person violating 61-13-103~~;~~. ~~and no~~

(3) An insurance company ~~shall~~ may not hold a violation of 61-13-103 against the insured~~; and there may be no~~ or increase ~~in~~ the insured's premiums due to a violation of 61-13-103."

NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

- END -

FISCAL NOTE

Bill #: SB0334 **Title:** Justice department to contract for driver rehabilitation & improvement program

Primary Sponsor: Lorents Grosfield **Status:** As Introduced

Sponsor signature Date

Chuck Swysgood, Budget Director 2/5/01 Date

Fiscal Summary

	FY2002 Difference	FY2003 Difference
Expenditures:		
State Special Revenue	51,956	33,038
Revenue:		
State Special Revenue	42,250	42,250
Net Impact on General Fund Balance:	**$0**	**$0**

Yes	No		Yes	No	
	X	Significant Local Gov. Impact	X		Technical Concerns
	X	Included in the Executive Budget	X		Significant Long-Term Impacts
X		Dedicated Revenue Form Attached		X	Family Impact Form Attached

Fiscal Analysis

ASSUMPTIONS:

1. Each year nearly 1,300 Montana drivers will have accumulated 18 or more points in their driver history records and would be eligible to participate in the driver rehabilitation and improvement program.
2. 1.00 FTE, grade 12, would be needed to develop and implement processes to certify driver rehabilitation and improvement course providers statewide and to provide coordination with those individuals identified as a driver in need of rehabilitation and improvement. This would increase personnel expenditures $29,562 per year.
3. Annual operating costs are estimated at $520 for postage and forms (1,300 x $0.40) plus $2,956 for computer charges, supplies, phone, rent, and training.

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4. One-time costs in FY 2002 would include $500 for administrative rulemaking process and $3,500 for computers and office equipment for the FTE. Additional one-time operating costs in FY 2002 to the Department of Justice to update the driver licensing system to implement this driver rehabilitation and improvement program are estimated at $11,700 (156 hours x $75/hour) for FY 2002. A combination of DOJ programming staff and private vendors will be necessary to address the current backlog of more than 15,000 hours of programming to comply with existing mandates and the considerable system maintenance that is required. Computer costs to complete the programming are estimated at $3,218 (19.5 days @ $165/day). Total costs in FY 2002 for programming are estimated at $14,918 ($11,700 + $3,218). Total one time costs in FY 2002 are estimated at $18,918 ($500 + $3,500 + $14,918).
5. Assuming 50% of the individuals eligible to participate in the driver rehabilitation and improvement program, it is estimated that a fee of $65 charged to each participant would be sufficient to reimburse the state for its costs in administering this program, generating an estimated $42,250 in annual special revenue funds.

FISCAL IMPACT:

	FY2002 Difference	FY2003 Difference
FTE	1.00	1.00
Expenditures:		
Personal Services	$29,562	$29,562
Operating Expenses	$22,394	$3,476
TOTAL	$51,956	$33,038
Funding:		
State Special Revenue (02)	$51,956	$33,038
Revenues:		
State Special Revenue (02)	$42,250	$42,250
Net Impact to Fund Balance (Revenue minus Expenditure):		
State Special Revenue (02)	($9,706)	$9,212

LONG-RANGE IMPACTS:

1. A driver rehabilitation and improvement program would reduce the number of accidents, personal injuries, and deaths resulting from the operation of motor vehicles due to failure to apply proper driving techniques in the operation of vehicle and improper driving attitudes and habits on the part of operators.

TECHNICAL NOTES:

1. Due to the need to complete system programming changes and develop criteria for certification, the Department of Justice, Motor Vehicle Division would not be able to implement this program until after July 1, 2001.
2. Provision should be made in the bill to establish a new state special revenue fund, which would be needed to separately track fees collected by the department to implement the bill.

DEDICATION OF REVENUE:

a) Are there persons or entities that benefit from this dedicated revenue that do not pay? (please explain)

The intent of the proposed driver rehabilitation and improvement program would be a reduction in the number of accidents, personal injuries, and deaths resulting due to motor vehicle accidents, benefiting the individuals involved and the taxpayers of Montana.

b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?

The costs of this program would be funded by those who have created the need for a driver rehabilitation and improvement program and not charged to all of Montana's taxpayers.

c) Is the source of revenue relevant to current use of the funds and adequate to fund the program activity that is intended? __x__Yes ____No (if no, explain)

d) Does the need for this state special revenue provision still exist? _x__Yes ___No (Explain)

It seems appropriate that this driver rehabilitation and improvement program be funded by those utilizing the program.

e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please Explain)

No, the legislature would continue to have the ability to review this program's budget and priorities.

f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please Explain)

If SB 334 is passed and becomes law, the dedicated revenue account established would be aligned with a legislatively recognized need to implement a program aimed at reducing the impact of negative driving actions.

g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please Explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)

A dedicated revenue account such as proposed by SB 334 would not create any difficulties for the Department of Justice, Motor Vehicle Division.

If this bill becomes law, the division would establish appropriate organization coding that will allow the division to adequately account for the program/activity.

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on February 8, 2001 at 9:08 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Walter McNutt (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)

Members Excused: None.

Members Absent: None.

Staff Present: Anne Felstet, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 334, 2/2/2001, SB 384, SB 386, SB 392, 2/5/2001,
Executive Action: None

HEARING ON SB334

Sponsor: **SEN. LORENTS GROSFIELD, SD 13, BIG TIMBER**

Proponents: **Tony Steffens, Rocky Mountain Traffic School**
Terry Steffens, Rocky Mountain Traffic School
Toman Baukema, Rocky Mountain Traffic School
Joe McNeal, Rocky Mountain Traffic School
William Smith, Rocky Mountain Traffic School
Dean Roberts, Motor Vehicle Division

Opponents: **None**

Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, BIG TIMBER, opened on SB 334, a driver re-habilitation program. It was not typical driver training, but an improvement program for frequent offenders of the various traffic laws. Title 61-2-302 had been on the books for a while, and it talked about driver re-habilitation (an improvement program) that the department could establish. However, it had not really been used. A few private entrepreneurs had developed some re-habilitation type programs with some success. This bill attempted to set up departmental certification in order to utilize the existing programs. It would be limited to people whose license was subject to suspension. He pointed out that the driver would have to be declared a driver in need of re-habilitation and improvement. That was defined as, "a person who within a two-year period had accumulated eighteen or more conviction points." The whole purpose of the bill was to end up with a reduction of accidents through training of frequent offenders to get them to take driving seriously. It established a training program that habitual offenders could learn from. He noted that he didn't sign the fiscal note. Most of the program was paid for by the drivers. He thought a $65 fee would be sufficient for reimbursing the state it's costs. Although the fiscal note called for one FTE, he felt the program, especially in its beginning, should not require that big of an effort by the department.

Proponents' Testimony:

Tony Steffens, Rocky Mountain Traffic School, said the goals were to assist the state in implementing and offering through a mandated driver improvement school a course that would assist drivers in need of improvement. He pointed out it was already covered in Montana Code Annotated 61-11-4. SB 334 encompassed drivers with 18 points on their record within a two-year period. It also covered the habitual offenders with 30 points or more

within a three-year period. He mentioned highway fatalities were up this year, and they'd like to do something to address that problem. He currently had a driver improvement program that had been operating in the state for the last year or so. He said they had seen good success and they believed in it. He noted driver improvement programs had been available and offered throughout the United States for about the last 35 years. They were also offered in 16 different countries. He believed the school provided the residents of Montana a very beneficial and high quality program that the state could use. They were willing to work with the state in developing a curriculum that was acceptable to the state, through the program that already existed. He said the law already existed, but there was no place to assign the people because a state approved school was not currently in affect. He said the school was currently self-funded and they hoped to have the state program also self-funding, through assessments to the student and the signee. They would work directly with the Department of Justice to establish traffic school standards and a certified curriculum monitored by the state. He felt it was in the best interest of the people in Montana to have some control over traffic schools. He pointed out driver improvement courses had a high rate of success in reducing the severity and frequency of collisions. He provided a packet of information regarding the school as well as some comments from some of the students, **EXHIBIT(1)**. He said they would handle most of the student correspondence for those who actually attended the school, after the initial letter of referral was sent out from the state.

Terry Steffens, Rocky Mountain Traffic School, said she and her husband owned and operated the traffic school in the state. Her husband was in law enforcement as well as all the instructors who were present at the hearing. She felt it created a very good curriculum because student questions could be answered by very knowledgeable people. The school currently operated in 10 cities across the state. She felt they could expand into more cities if the bill was passed. She noted the state of Montana was the only one lacking a state regulated program and she thought one was needed. It would be good to involve the state to enhance the curriculum for the people who attended. It also gave people some tools currently not available, and it was an opportunity to re-educate people.

Toman Baukema, Rocky Mountain Traffic School, said he was a part time instructor and a law enforcement officer in the Billings area. He had been an instructor for about four months. He supported everything the Steffens said. It was a fine program with a good curriculum that addressed current needs. It was currently geared to folks that might get a traffic ticket and didn't want it to go on their driving record. For deferred

imposition they agreed to attend the school at their cost. He felt many of the students were safe drivers attending the school to keep their records clean. However, they weren't addressing the problem of traffic law violators. They were in need of a rehabilitative program. The comment sheet contained in **exhibit (1)**, reflected some of the complements the school received.

Joe McNeal, Rocky Mountain Traffic School, said he was a new instructor at the driving school. For the last twelve years, he served as a Deputy Sheriff with the Missoula County Sheriff's Department. He was a firm believer in the education process because he also worked the last five years as a school resource officer with Missoula County. He had written and was the instructor of the Citizenship Leadership and Student Safety Program in Missoula County. He felt it was a worthwhile bill.

William Smith, Rocky Mountain Traffic School, said he also was a Deputy Sheriff from Missoula County for nearly 20 years. During that time he saw a lot of repeat offenders. He thought it was time to increase the motivation for people to learn the error of their ways because it would curtail many of the accidents that were occurring. He thought offenses were growing, and education was the key. As an officer, he saw a great deal of carnage on the roads that would certainly be part of the instruction force he would use in showing these people what could happen to them. He thought it was a good program.

Dean Roberts, Administrator of Motor Vehicle Division, noted he really wasn't a proponent, but informational witnesses were not used. He said they used to have a driver rehabilitation program, but it was not very good. They charged students $50 to watch a series of old movies. He personally thought it was a waste of their money and time and the department's time. It was self-funding, and took place after hours. He reiterated the bill addressed the habitual offender law involving license suspension when 30 points in three years were accumulated. The program used to be set at 20 points, so if someone accumulated 20 points over a two year period, they were required to attend the school or have their license suspended. The department had been talking to the school for a year or so to be able to put this kind of a bill together. The department didn't oppose it. However, they wanted to make sure it had value. That was why the fiscal note included one FTE. He felt if the program wasn't monitored and audited, it would quickly go down hill. Not by the good operators, but by people that came into this business looking to make money, but didn't have good instructors. The FTE would monitor that. They had a lot of experience with third party commercial drivers' license testing across the country. In fact, without it being monitored by the state, third-party, private sector involvement had been a disaster in those states. He noted over 700 licenses

had been sold without anybody taking a test in Illinois. Of those 700, four had caused fatal accidents. Therefore, it was very important to monitor private sector programs. The program, as the fiscal note indicated would take about $65 per person to be self-funding. This program provided the student with an option; suspension for six months without a probationary license if the course was taken. A probationary license would be given upon enrollment in the course. They assumed that half of the people in that predicament (18 points, 2 years) would opt to go to the school verses having their license suspended. He explained that two-thirds of the people with 18 points in two years or 30 points in three years, had at least one DUI on their record and driving while suspended type actions. He said very few people, maybe some kids, accumulated points by speeding and running stop signs. He thought it was a positive step, but it had to be audited correctly to ensure the private school programs were appropriate for those attending. He also mentioned that judges deferred sentencing, in fact, if this was an official school sanctioned by the state, he felt judges would use that option even more.

Opponents' Testimony:

None

Questions from Committee Members and Responses:

SEN. JERRY O'NEIL asked if a study had been done or if there was any knowledge on these kinds of programs making a difference in the future driving of somebody convicted of a DUI or who had 18 points including a DUI on their record. **Dean Roberts, Administrator of Motor Vehicle Division**, said he would be happy to provide those to the committee. Basically most of those studies come out of large states that had research budgets.

SEN. O'NEIL wondered if the programs reduced traffic deaths. **Mr. Roberts** said yes; if structured correctly, they did make some impacts on that violator to understand he/she had some kind of responsibility.

SEN. RIC HOLDEN asked what activated the actual contact between somebody that had this many speeding tickets and the traffic school. **Tony Steffens, Rocky Mountain Traffic School,** replied the Motor Vehicle Division reviewed drivers' license records. On discovery of a violator who had 18 points or more within a two year period, the department would notify that person in writing that they had the option of attending this driver improvement school.

SEN. HOLDEN questioned if the department sent the school's brochure to that person. How would the person know who to

contact and where to go. **Mr. Steffens** said the department would send them the information, as well as anybody else who participated in the program. He said the details hadn't been clarified, but it would probably be at the student's convenience. He noted they were currently in most of the major cities in Montana. He believed they had the only program of this type available, however, that wouldn't restrict other entities from joining this program in the future.

SEN. MIKE HALLIGAN asked if they had a sliding scale for indigent people or any way for people to pay if they didn't have $50. **Mr. Steffens** said they currently offered payment programs to indigent people or those having trouble making payment. Judges currently using the program told them which people had financial problems. They worked with the people to make allowances.

SEN. HALLIGAN felt that judges would make the margin 10 points and use the private facility after a couple of speeding tickets, instead of waiting for the 18 points to accumulate. This would increase the school's usage. He wondered what other states did audits to ensure effectiveness. He asked why the fee was set at $50 and what was included for that price. He also asked how many people were in the class. **Mr. Steffens** said they planned to establish a database to check on those who participated. It would indicate if the curriculum was a benefit to these people rather than have them use it as a crutch for poor driving habits. They were concerned as well. He argued they weren't out there offering this school as an excuse for somebody to support poor driving habits, but were there to correct poor driving habits. So far he believed they had done a good job based on feedback from most of the students. Most students came in with a very low expectation, but left with a very high degree of appreciation for what they learned. Currently, they didn't have enough information about the recidivism, but they hadn't seen any evidence of that within the last year.

{Tape : 1; Side : B}

Sen. Halligan requested a sample audit from the states auditing this type of program as well as their performance evaluations, so they could get a better idea. **Mr. Roberts** said they'd be happy to do that.

Closing by Sponsor:

SEN. GROSFIELD closed on SB 334, noting that on the bottom of page 6, line 30, the department provided the list of support groups that might be available in the area. He reiterated it was about habitual offenders. There were judges around the state already using these programs, although if the bill passed, use

would increase and hopefully an improvement in the records of some of these people would result. This was about their life and other lives that were in jeopardy. He thought it was a good program. He noted that the committee heard from one entity, but he thought there were a couple of others in other areas of the state. He felt that once the department spelled out the parameters and requirements, several more would apply for certification. He brought attention to the involvement in the program of law-enforcement people and their years of experience. They agreed that the program worked and hoped the committee would too.

HEARING ON SB 386

Sponsor: **SEN. MIGNON WATERMAN, SD 26, HELENA**

Proponents: **Robert Peake, President MT Juvenile Probation Officer Association**
Joe Counell, Past President MJPOA
Sandy Oitzinger, Executive Director, MJPOA

Opponents: **Mike Ferriter, Administrator of Community Corrections for the Department of Corrections**

Opening Statement by Sponsor:

SEN. MIGNON WATERMAN, SD 26, HELENA, opened on SB 386. This bill made the Intervention in Delinquency pilot programs permanent and established accounts for them. The Intervention and Delinquency Pilot Project allowed youth courts to administer out-of-home placement funds locally and if placement allotments were not all used, the juvenile probation office could use the extra funds to set up pro-active prevention treatments for youth. This came out of a frustration over too many out-of-home placements of youth in the system. The first Montana pilot program started in 1997 with two programs, one here in Lewis & Clark - Broadwater County and the other in Yellowstone County, in the area around Miles City. The programs were continued in 1999 and nine more districts were allowed to begin participating, so it brought the total to eleven, the current level. Community based prevention programs implemented through these savings included out-patient sex offender treatment, counseling, anger-management services, alternative education programs, mentoring, and more. The Juvenile Probation Officers Association that participated in these were very enthusiastic about these programs and would like to see them continue. She noted that the program would sunset in 2001 without the passage of this bill or HB 146. In that event, the placements would revert to the old systems. She noted SB 386 allowed the existing system to become permanent for the eleven districts that

The following exhibit
is a pamphlet or a newspaper which can
not be scanned.

Exhibit 1
2·8·01
SB 334

The complete exhibit is located with
the minutes are at the
Montana Historical Society Archives
225 North Roberts
Helena. MT 59620-1202
[406] 444-4775

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on February 12, 2001 at 10:05 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Walter McNutt (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Cecile Tropila, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: SB 334, SB 382, SB 386, SB 392, SB 158

EXECUTIVE ACTION ON SB 334

Motion: **SEN. HOLDEN** moved **SB 334 DO PASS**. Amendments were handed out **EXHIBIT(1)**.

Discussion:

SEN. WALT MCNUTT asked for a clarification of the treatment needed in remote areas. **CHAIRMAN LORENTS GROSFIELD** said page 2

attempts to explain the remote areas and the issues involved. He said it allows an alternative procedure for people who live in remote areas.

SEN. MCNUTT was concerned that the drivers should be treated the same whether or not they have a program to attend.

SEN. JERRY O'NEIL wondered if a sunset clause should be added. **CHAIRMAN GROSFIELD** said two years might not be enough time to get this program set up. He said by adding language pertaining to persons living in an area where there isn't a program available, the department can not take their license away. He pointed to the bottom of page 6 explaining the program for people who are not in the area.

SEN. O'NEIL asked if the judge would be allowed to relieve the people from this requirement or would there need to be special language in the bill to provide for this issue. **CHAIRMAN GROSFIELD** answered it was administrative and upon the decision of the department, but the department could take away their licenses if they do not attend the program.

Brenda Nordlund, Motor Vehicle Division, said a criteria could be set and submitted to the department, then they would waive the suspension. **SEN. O'NEIL** said it could cause a loophole and he felt the judge should be the deciding factor. He asked if this made a difference. **CHAIRMAN GROSFIELD** said Section 2 allows authority to the department to suspend licenses.

SEN. MCNUTT said he understood the department to collect the points and notify the driver so the judge would not be involved.

SEN. RIC HOLDEN asked for clarification of what people in rural areas are doing now. **CHAIRMAN GROSFIELD** said some of these programs are available and municipal, justice of peace judges as well as district judges utilize this program in these areas.

SEN. HOLDEN asked where in the bill, would it state people in rural areas have to go to these programs. He asked if a judge could assist them. **SEN. MIKE HALLIGAN** said if the points add up on a driving record the defenders are sent a letter and required to go to a program wherever available. He pointed out that judges would work with the defenders prior to attending a program.

SEN. HOLDEN asked what these defenders do to get to this point of suspension. **Brenda Nordlund** explained point structures vary for the offenses.

SEN. HOLDEN said if this bill was put into effect, private companies could expand into these remote areas.

SEN. AL BISHOP asked how long do these programs of rehabilitation last for the defender. **CHAIRMAN GROSFIELD** said these programs are not extended, they are one or two days.

SEN. BISHOP pointed out the application form for one of the programs and he asked if the extent of these programs are only four hours. **CHAIRMAN GROSFIELD** answered that is correct.

SEN. BISHOP said he didn't understand how in half a day these defenders could be rehabilitated.

Substitute Motion: **SEN. O'NEIL** moved to add language on page 6, line 29: "after a period to not exceed 6 months or until successful completion of course".

Discussion:

CHAIRMAN GROSFIELD explained this addition would allow the defender to get their license back within 6 months if they have completed the program. He said this bill is to help improve the driving of these defenders.

Vote: **Substitute Motion carried unanimously.**

Vote: Motion **SB 334 DO PASS AS AMENDED carried unanimously.**

EXECUTIVE ACTION ON SB 382

Motion: **SEN. HALLIGAN** moved **SB 382 BE AMENDED.** Amendments were handed out **EXHIBIT(2).**

Discussion:

Valencia Lane explained the amendments and the clarifications added.

SEN. HALLIGAN said he worked with the language of the bill to make it clear and understandable.

Vote: **Motion SB 382 BE AMENDED carried unanimously.**

Motion/Vote: **SEN. MCNUTT** moved **SB 382 DO PASS AS AMENDED. Motion carried unanimously.**

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on March 8, 2001 at 9:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Bill Eggers (D)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **SB 128 - 3-02-01**
SB 257 - 3-02-01
SB 282 - 3-02-01

Questions from Committee Members and Responses: Reps. Hurdle, Peterson, Gutsche to **Senator Bohlinger, Mr. Notbohm, and Chuck Hunter, Department of Public Health and Human Services for further clarification.**

{Tape : 3; Side : A; Approx. Time Counter : 10.7 - 24.8}

Closing by Sponsor: Senator Bohlinger closed the Hearing on SB 257 by saying this Bill is about placing children in safe homes where care, love and concern can be provided. It will allow grandchildren or children of family members to be placed in an environment where they can receive love and attention that all children need. It's a way to rescue children from unhealthy situations.

{Tape : 3; Side : A; Approx. Time Counter : 24.8 - 26.6}

HEARING ON SB 334

Sponsor: Senator Lorents Grosfield, SD 13, Big Timber said this is a Bill to require the Department of Justice to establish a better rehabilitation improvement program that works. Some private entities have started some rehab schools of their own and are being used around the state in a variety of communities with some success. This is not driver training in the sense of high school programs etc. These drivers have a lot of tickets or conviction points and a judge will require them to attend a rehab improvement program. **EXHIBIT(4)**

{Tape : 3; Side : A; Approx. Time Counter : 26.6 - 30}
{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 2.4}

Proponents: Tony Steffins, Detective, Park County Sheriff's office, Livingston and operates Rocky Mountain Traffic School. EXHIBIT(5)

Terry Steffins, co-owner Rocky Mountain Traffic School.

Brenda Nordlund, Department of Justice, Helena

Opponents: None

Questions from Committee Members and Responses: Reps. Adams, Noennig, Gutsche, Harris, to Mr. Steffins, Senator Grosfield, Ms. Nordlund for further explanation.

Closing by Sponsor: Senator Grosfield closed the Hearing on SB334

EXHIBIT 4
DATE 3-08-01
SB 334

COUNTY OF POWELL

409 Missouri Avenue
Deer Lodge, MT 59722

1901-2001
A Century of Service

2-13-2001

TO WHOM IT MAY CONCERN:

Powell County Justice Court and Deer Lodge City Court refer most young defendants under 18 years old and some older folks, to a defensive driving class as part of their sentence. Individuals who plead guilty or are found guilty to minor traffic offenses must have a clean traffic record for the past 3 years. ~~As sentencing a sentence to a defensive driving class with a time and order the defendants to complete a defensive driving class.~~

I use the defensive driving classes as a ~~educational tool~~ to teach defendants how important it is to protect your driving records by obeying the traffic laws of the State of Montana. Defensive driving classes ~~make the individual call attention to their driving habits~~. and make them safer drivers.

Upon completion of defensive driving classes, the fine is paid, no further infractions of the traffic laws; the points do not go on the persons record.

Powell County Justice of the Peace
Deer Lodge City Judge

LIMITED JURISDICTION COURTS OF PARK COUNTY

CITY AND JUSTICE COURT
414 EAST CALLENDER STREET
LIVINGSTON, MT 59047

February 12, 2001

To: Senator Grosfield

Re: SB 334

Both Park County Justice Court and Livingston City Court have used the services provided by the Rocky Mountain Traffic School for first time juvenile offenders, and for senior citizens that have received traffic citations. We believe that this is a very important tool for the courts to use when dealing with young drivers, and older drivers that may benefit from some additional drivers education. We believe this will make them better drivers in the future.

Deanna Egeland
Park County Justice of the Peace

Neil M. Travis
Livingston City Judge

feb 13 01 05:15p tony steffins

JUDGE ROBERT W. BROWN
BELGRADE CITY COURT

91 East Central Ave. ~ Belgrade, Montana 59714
Phone 406 388-3774 ~ Fax 406 388-3779 ~ Email RBrownMont@aol.com

February 14, 2001

Reference: Habitual Traffic Offender Bill

Rocky Mountain Traffic School
Livingston, Montana

Dear Rocky Mountain Traffic School,

Per your request and the information I have received concerning the current Habitual Offender Bill currently in front of the Legislature. Please pass the following onto our legislators.

I have been using the programs offered by the Rocky Mountain Traffic School for over one year and have been exceptionally pleased with the service and education you have provided. I have used the program as part of a deferred sentence. I require, that before I will defer a sentence on a traffic violation, the offender must complete this program. I believe I have yet to see a re-offender.

I personally want to thank you for your dedication to training and the very effective program you provide..

Sincerely,

Judge Robert W. Brown

BELGRADE CITY COURT
91 EAST CENTRAL
BELGRADE, MONTANA 59714

FROM : ROBERT BROWN FAX NO. : 406 582 9325 Feb. 13 2001 05:00PM P1
Feb 14 01 04:19p tony steffins 4062221468 p.2

In regards to Driving School, I generally give a first time juvenile offender a break. Other than the first time juvenile offender, I sometimes consider giving the Driving School for commercial drivers that haven't had any offenses or none for a long time. I also put into consideration a single parent with children who may need to keep their insurance.

There are many factors that I weigh before offering the option to do the driving school. I hope these give you the general idea of what I put into consideration when referring offenders to your classes.

Judge S. Richardson
Lake County

CUSTER COUNTY JUSTICE COURT

1010 MAIN STREET
MILES CITY, MONTANA 59301

Hon. DONALD NEESE
JUSTICE OF THE PEACE

PHONE 406-233-3408 FAX 233-3452

REF SB 334

TO WHOM IT MAY CONCERN:

My Court does use the Rocky Mountain Traffic School and one of the reasons I use it is to allow a first-time offender to obtain a deferred sentence in hopes that the ticket they received can be deferred if they receive no *"like"* tickets within a set period of time (6 months).

The other side of that is Rocky Mountain Traffic School is used to attempt to get an offender back on track with what is wrong with the driving skill(s). If an offender has several tickets, I send them to the class in hopes it will be a wake-up call.

The class may be something this Court may order for offenders to take if they seem to be obtaining tickets that may start placing their driver's license in jeopardy

I personally support Rocky Mountain Traffic School.

Thank you,

Donald R. Neese, Justice of the Peace

Feb-14-01 11:54A Custer County 4062333452 P.02
Feb 14 01 04:20p tony steffins 4062221468 p.4

EXHIBIT 5
DATE 3-08-01
SB 334

Time frames for course instruction:

I.	The Common Sense of Driving	20 minutes
II.	Defensive Driving	60 minutes
III.	Established Speed Laws	15 minutes
IV.	Demands of Driving On An Open Highway	20 minutes
V.	Alcohol and Other Drugs	45 minutes
VI.	Driver Responsibility	20 minutes
VII.	Traffic Signs, Signals and Pavement Markings	30 minutes
VIII.	Licensing Control Measures	20 minutes
	TTL:	3hr 45 min

Class will consist of 3 hours and 45 minutes of verbal teaching and a 15 minute video. There will be two breaks given at 1hr and 30 minute intervals.

What Students Say Was Most Useful.....

"It made me think more about driving" **-Livingston, MT-**

"I was very impressed with this class. I learned alot. I had no idea about. I think this would be good for young Drivers as a requirement." **Livingston, MT-**

"It refreshed my basic driving skills, I learned about the 2-second rule." **-Missoula, MT-**

"Re-evaluate my own driving skills." **-Billings, MT-**

"Take the time to consider all consequence." **-Missoula, MT-**

"It was a nice refresher on the things you forget from driver's ed." **-Helena, MT-**

"More awakening to the effects of speed" **-Helena, MT-**

"I learned about some of the laws I was not aware of" **-Kalispell, MT-**

"Reality!! The Reality of accidents" **-Kalispell, MT-**

"The awareness of Alcohol related tragedies and the hurt they cause" **-Kalispell, MT-**

"The instructor refreshed several points that I had forgotten" **-Great Falls, MT-**

"Reminded me how easily it is to kill someone or yourself while operating a motor vehicle" **-Great Falls, MT-**

"That the instructor was a law enforcement officer" **-Great Falls, Mt-**

"The instructor refreshed several points that I had forgotten" **-Great Falls, MT-**

"Refreshed my driving skills" **-Miles City, MT-**

"Q & A on current specifics about law." **-Billings, MT-**

«DATE»

«FULLNAME»
«ADDRESS»
«CITYSTATEZIP»

Dear «GREETING»: DOB: «DOB»

Your driving record (copy attached) shows that you have accumulated 20 or more Driver Improvement points with the addition of your recent traffic conviction.

This letter advises you that further convictions of moving traffic violations that have points assigned may result in your being adjudged a Habitual Traffic Offender by the State of Montana. The Habitual Offender law provides that anyone accumulating 30 or more points within 3 years will have their license revoked by the Division for three years. In addition, they must also file proof of financial responsibility and retake all portions of the driver exam.

To assure that no such action is taken against your license or privilege to drive, please analyze your driving habits and obey all traffic laws. Point values over three years from the date of CONVICTION are removed.

Further information concerning driver license suspension, revocation or points may be obtained from your nearest Montana Driver Exam Station or by calling or writing the above address.

By Authority of:
D.E. BECKSTROM, Chief
Records and Driver Control Bureau

By: kna

OVERVIEW

Through much research we have put together a driver improvement program which offers a structured learning atmosphere, an understanding of motor vehicle operation essential to violation and accident-free driving, driver responsibility, and licensing regulations.

COURSE GOALS AND OBJECTIVES

A. Develop a clear understanding of the laws in the Montana Driver's Manual.

B. Instill the importance of a well mannered attutude in regard to driving, and the importance of courtesy while operating a motor vehicle.

C. Emphasize "Personal Responsibility and Self Control".

D. Encourage skills that make students "Safe Defensive Drivers".

IN ORDER TO:

1. Reduce involvement in Traffic Accidents.
2. Reduce Traffic Law Violations
3. Redirect "Driver Responsibility".

WITH YOUR SUPPORT WE CAN:

- **Re-Educate Montana Drivers**
- **Make Montana roadways safer**

HOW/ WHY STUDENTS ARE REFERRED:

Violations which may qualify for referral are Minor Infractions, Minor's in Possession, DUI's, Speeding Violations conditions for re-instatement of persons driver's license.

**By the year 2005 it is predicted that the second leading cause of death worldwide will be car crashes. Let's work together to reduce these odds!!

Fees:

MT Violation.....$50.00
Out of State Violation.....$65.00
Self-Enrollment.....$25.00

Rocky Mountain Traffic School
(406) 222-1468
phone/fax

Let's Re-Educate Montana Driver's

An intelligent choice in making Montana's highways safer

AN ACT REQUIRING THE DEPARTMENT OF JUSTICE TO ESTABLISH BY ADMINISTRATIVE RULE A DRIVER REHABILITATION AND IMPROVEMENT PROGRAM; REQUIRING THAT THE RULES PROVIDE FOR THE DEPARTMENT TO CONTRACT WITH QUALIFIED PRIVATE ENTITIES FOR OPERATION OF THE PROGRAM COURSES; ALLOWING THE DEPARTMENT TO COLLECT FEES FROM PARTICIPANTS IN THE PROGRAM COURSES TO OFFSET EXPENSES INCURRED BY THE DEPARTMENT IN ADMINISTERING THE PROGRAM AND CONTRACTING WITH PRIVATE ENTITIES; ALLOWING THE DEPARTMENT TO SUSPEND THE DRIVER'S LICENSE OF A PERSON WHO FAILS TO COMPLY WITH CERTAIN DRIVER REHABILITATION AND IMPROVEMENT COURSE REQUIREMENTS; DEFINING "DRIVER IN NEED OF REHABILITATION AND IMPROVEMENT"; REQUIRING THE DEPARTMENT TO NOTIFY A PERSON WHO HAS BEEN DECLARED A DRIVER IN NEED OF REHABILITATION AND IMPROVEMENT; AMENDING SECTIONS 61-2-302, 61-5-206, 61-11-203, 61-11-204, AND 61-13-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-2-302, MCA, is amended to read:

"**61-2-302. Establishment of driver rehabilitation and improvement program -- department to contract with private entities -- participation by offending drivers.** (1) (a) The department ~~may~~ shall establish by administrative rules a driver rehabilitation and improvement program or programs that may consist of classroom instruction in rules of the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training, and other subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques.

(b) The rules must:

(i) provide for the local program courses to be operated by private entities;

(ii) develop a procedure for certifying private entities as driver rehabilitation and improvement course providers;

(iii) establish the criteria that private entities must meet in order to be certified by the department; and

(iv) provide for an alternative driver rehabilitation and improvement procedure for drivers who live in areas where a course is not offered.

(2) Official participation in the driver rehabilitation and improvement program is limited to those persons whose license to operate a motor vehicle in the state of Montana is:

(a) subject to suspension or revocation as a result of a violation of the traffic laws of this state or, unless otherwise provided by the sentencing court, a violation of 45-5-624; ~~or~~

(b) revoked and they have:

(i) completed at least 3 months of a 1-year revocation or, if revocation is for a second or subsequent violation of 61-8-401 or 61-8-406, have provided the department with proof of compliance with the ignition interlock device restriction imposed under 61-5-208; or

(ii) completed 1 year of a 3-year revocation; and

(iii) met the requirements for reobtaining a Montana driver's license~~.~~; or

(c) subject to suspension as provided in 61-11-204(3).

(3) Notwithstanding any provision of this part inconsistent with any other law of the state of Montana, the enforcement of any suspension or revocation order that constitutes the basis for any person's participation in the driver rehabilitation and improvement program provided for in this section may be stayed if that person complies with the requirements established for the driver rehabilitation and improvement program and meets the eligibility requirements of subsection (2).

(4) In the event that a person's driver's license has been surrendered before the person's selection for participation in the driver rehabilitation and improvement program, the license may be returned upon receipt of the person's agreement to participate in the program.

(5) The stay of enforcement of any suspension or revocation order must be terminated and the order of suspension or revocation enforced if a person declines to participate in the driver rehabilitation and improvement program or fails to meet the attendance or other requirements established for participation in the program.

(6) This part does not create a right to be included in any program established under this part.

(7) The department and the entity with which the department contracts under subsection (1)(b)

~~may~~ shall establish ~~a schedule of fees~~ separate fee schedules that may be charged to those persons participating in the driver improvement and rehabilitation program. The fees must be collected separately by the department and by the entity with which the department contracts under subsection (1)(b).

(8) The fees collected by the department under subsection (7) must be used to help defray costs ~~of maintaining the program~~ incurred by the department in administering the program and in contracting with private entities as provided in subsection (1). The department may not use the fees collected under subsection (7) for any other purpose.

~~(8)~~(9) A person may be referred to this program by a driver improvement analyst, city judge, justice of the peace, youth court judge, judge of a district court of the state, or hearing examiner of the department.

~~(9)~~(10) The department may issue a restricted probationary license to any person who enrolls and participates in the driver rehabilitation and improvement program. Upon issuance of a probationary license under this section, the licensee is subject to the restrictions set forth on the license.

~~(10)~~(11) It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to the person under this section."

Section 2. Section 61-5-206, MCA, is amended to read:

"**61-5-206. Authority of department to suspend license or driving privilege or issue probationary license.** (1) The department may suspend the driver's license or driving privilege of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

(b) has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(c) is ~~an~~ a habitually reckless or negligent driver of a motor vehicle;

(d) is incompetent to drive a motor vehicle;

(e) has committed or permitted an unlawful or fraudulent use of the license as specified in 61-5-302;

(f) has committed an offense in another state ~~which~~ that if committed in this state would be grounds for suspension or revocation;

(g) has falsified the licensee's date of birth on the application for a driver's license;

(h) is under 21 years of age and has altered the licensee's or another's driver's license or identification card to obtain alcohol; ~~or~~

(i) has authorized another to use the licensee's driver's license or identification card to obtain alcohol; or

(j) has been declared a driver in need of rehabilitation and improvement, as defined in 61-11-203, and has failed to enroll in or successfully complete, within 90 days of notice, a driver rehabilitation and improvement course or other appropriate course determined by the department as provided in 61-11-204.

(2) However, the department may, ~~in its discretion and~~ in lieu of suspending the license or driving privilege, issue a probationary license to a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record ~~is such as~~ would authorize suspension as provided in subsection (1). Upon issuance of a probationary license, the licensee is subject to the restrictions set forth in the probationary license. The licensee's driving privilege may be suspended upon conviction or forfeiture of bail not vacated of any traffic violation during the period of probation. The licensee shall surrender to the department all driver's licenses that have been issued to the licensee before the probationary license may be issued. The licensee's refusal or neglect to surrender the licenses upon demand is grounds for suspending all licenses. Probationary licenses may be issued for a period not to exceed 12 months.

(3) Upon suspending the license of any person or upon placing the person on probation, as authorized in this section, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing as early as practical, within ~~not to exceed~~ 20 days after receipt of the request, in the county in which the licensee resides unless the department and the licensee agree that the hearing may be held in some other county. At the hearing, the department through its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. At the hearing, the department shall either rescind its order of suspension or probation, or, for good cause, may affirm, reduce, or extend the period of probation or suspension of

the license."

Section 3. Section 61-11-203, MCA, is amended to read:

"**61-11-203. Definitions.** As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty or nolo contendere, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle that is prohibited by law, ordinance, or administrative order.

(2) "Driver in need of rehabilitation and improvement" means a person who within a 2-year period accumulates 18 or more conviction points according to the schedule specified in subsection (3).

~~(2)~~(3) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of $250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302,

5 points;

(k) operating a motor vehicle without a license to do so, 2 points (this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(l) speeding, except as provided in 61-8-725(2), 3 points;

(m) all other moving violations, 2 points.

~~(3)~~(4) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

~~(4)~~(5) "License" means any type of license or permit to operate a motor vehicle.

~~(5)~~(6) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a person while operating a motor vehicle or in actual physical control of a motor vehicle upon a highway, as the term is defined in 61-1-201.

~~(6)~~(7) A traffic regulation includes any provision governing motor vehicle operation, equipment, safety, size, weight, and load restrictions or driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking."

Section 4. Section 61-11-204, MCA, is amended to read:

"**61-11-204. Department's duties.** (1) If the records maintained by the department show that a person's driving record brings the person within the definition of a habitual traffic offender, the department shall:

(a) declare the person a habitual traffic offender;

(b) revoke the person's driver's license or driving privileges as provided in 61-11-211; and

(c) notify the person in writing of the declaration and revocation.

(2) The notice must be sent by first-class mail to the most current address on record with the department. The notice must include a certified reproduction of the person's driving record as contained in the computer storage device used by the department for recordkeeping. The notice must inform the person of the right under 61-11-210 to appeal the declaration and revocation. Service of the notice is complete upon mailing.

(3) If the records maintained by the department show that a person's driving record brings the person within the definition of a driver in need of rehabilitation and improvement, the department shall:

(a) declare the person a driver in need of rehabilitation and improvement;

(b) notify the person that unless the person enrolls in and successfully completes, within 90 days of notification, a certified driver rehabilitation and improvement course, as provided in 61-2-302, the person's driver's license will be suspended for a period not to exceed 6 months or until the person has successfully completed the course, whichever occurs first;

(c) provide the person with a list of certified driver rehabilitation and improvement courses and information about how the person may comply with the provisions of this subsection (3) if a driver rehabilitation and improvement program does not exist near the person's residence; and

(d) send the notice as provided in subsection (2).

(4) If the person fails to enroll in a certified driver rehabilitation and improvement program or fails to successfully complete the program or an appropriate substitute within 90 days, the department may suspend the person's driver's license as provided in 61-5-206 for a period not to exceed 6 months or until the person has successfully completed the course, whichever occurs first."

Section 5. Section 61-13-104, MCA, is amended to read:

"**61-13-104. Penalty -- no record permitted.** (1) A driver who violates 61-13-103 ~~must~~ shall be fined $20, but the violation is not a misdemeanor pursuant to 45-2-101, 46-18-236, 61-8-104, or 61-8-711. A violation of 61-13-103 may not be counted as a moving violation for purposes of suspending a driver's license under 61-11-203~~(2)(m)~~(3)(m). Bond for this offense is $20, and ~~no~~ a jail sentence may not be imposed.

(2) ~~No~~ A violation of 61-13-103 may not be recorded or charged against the driver's record of a person violating 61-13-103~~;~~. ~~and no~~

(3) An insurance company ~~shall~~ may not hold a violation of 61-13-103 against the insured~~, and there may be no~~ or increase ~~in~~ the insured's premiums due to a violation of 61-13-103."

Section 6. Effective date. [This act] is effective on passage and approval.

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